

FIRST REGULAR SESSION

HOUSE BILL NO. 835

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRITT, HOSMER, CROWELL,
RICHARDSON AND MERIDETH (Co-sponsors).

Read 1st time February 20, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2008L.011

AN ACT

To repeal sections 50.550 and 558.019, RSMo 2000, relating to crime reduction, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 50.550 and 558.019, RSMo 2000, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 50.550, 50.555 and 558.019, to read as
3 follows:

50.550. **1.** The annual budget shall present a complete financial plan for the ensuing
2 budget year. It shall set forth all proposed expenditures for the administration, operation and
3 maintenance of all offices, departments, commissions, courts and institutions; the actual or
4 estimated operating deficits or surpluses from prior years; all interest and debt redemption
5 charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the
6 care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs
7 of holding circuit court in the county that are chargeable against the county, for the repair and
8 upkeep of bridges other than on state highways and not in any special road district, and for the
9 salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means
10 of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the
11 general fund, and all expenditures for these purposes shall be charged to this fund; except, that
12 receipts from the special tax levy for roads and bridges shall be kept in a special fund and
13 expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund
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18 created for the purpose, and all expenditures for this purpose shall be charged to the fund. All
19 receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue,
20 and all payments to retire the issue shall be charged to the fund. All receipts for interest on
21 outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the
22 interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

23 **6. Subject to the provisions of section 50.555, the county commission may create a**
24 **fund to be known as the "(name of county) County Crime Reduction Fund".**

25 **7. The county commission may create other funds as are necessary from time to time.**

50.555. 1. A county commission may establish by resolution a fund, the proceeds
2 **of which may be expended only for the purposes provided in subsection 3 of this section.**
3 **The fund shall be designated as a county crime reduction fund and shall be under the**
4 **supervision of a board of trustees consisting of one resident of the county appointed by the**
5 **presiding commission of the county, one resident of the county appointed by the sheriff of**
6 **the county, and one resident of the county appointed by the county prosecuting attorney.**

7 **2. Money from the county crime reduction fund shall be expended only upon the**
8 **approval of a majority of the county crime reduction fund's board of trustees and only for**
9 **the purposes provided for by subsection 3 of this section.**

10 **3. Money from the county crime reduction fund shall be expended only for the**
11 **following purposes:**

12 **(1) Narcotics investigation, prevention and intervention;**

13 **(2) Purchase of law enforcement-related equipment and supplies for the sheriff's**
14 **office;**

15 **(3) Use as matching funds for federal or state law enforcement grants;**

16 **(4) Funding for the reporting of all state and federal crime statistics or information;**
17 **and**

18 **(5) Any law enforcement-related expenses reasonably related to investigation,**
19 **preparation, trial and disposition of criminal cases before the courts of this state, including**
20 **expenses of the prosecuting attorney approved by the board of trustees of the county crime**
21 **fund.**

22 **4. The county commission shall not reduce any law enforcement agency's budget**
23 **as a result of such law enforcement agency receiving funds from the county crime**
24 **reduction fund. The crime reduction fund shall be a supplement to the law enforcement**
25 **agency's funding from county, state and federal sources.**

26 **5. County crime reduction funds shall be audited in the same manner as all other**
27 **county funds.**

558.019. 1. This section shall not be construed to affect the powers of the governor

2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set
4 minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

5 2. The provisions of this section shall be applicable to all classes of felonies except those
6 set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section.
7 For the purposes of this section, "prison commitment" means and is the receipt by the department
8 of corrections of a defendant after sentencing. For purposes of this section, prior prison
9 commitments to the department of corrections shall not include commitment to a regimented
10 discipline program established pursuant to section 217.378, RSMo. Other provisions of the law
11 to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found
12 guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is
13 committed to the department of corrections shall be required to serve the following minimum
14 prison terms:

15 (1) If the defendant has one previous prison commitment to the department of
16 corrections for a felony offense, the minimum prison term which the defendant must serve shall
17 be forty percent of his sentence or until the defendant attains seventy years of age, and has served
18 at least forty percent of the sentence imposed, whichever occurs first;

19 (2) If the defendant has two previous prison commitments to the department of
20 corrections for felonies unrelated to the present offense, the minimum prison term which the
21 defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy
22 years of age, and has served at least forty percent of the sentence imposed, whichever occurs
23 first;

24 (3) If the defendant has three or more previous prison commitments to the department
25 of corrections for felonies unrelated to the present offense, the minimum prison term which the
26 defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy
27 years of age, and has served at least forty percent of the sentence imposed, whichever occurs
28 first.

29 3. Other provisions of the law to the contrary notwithstanding, any defendant who has
30 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061,
31 RSMo, and is committed to the department of corrections shall be required to serve a minimum
32 prison term of eighty-five percent of the sentence imposed by the court or until the defendant
33 attains seventy years of age, and has served at least forty percent of the sentence imposed,
34 whichever occurs first.

35 4. For the purpose of determining the minimum prison term to be served, the following
36 calculations shall apply:

37 (1) A sentence of life shall be calculated to be thirty years;

38 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
39 crimes committed at or near the same time which is over seventy-five years shall be calculated
40 to be seventy-five years.

41 5. For purposes of this section, the term "minimum prison term" shall mean time
42 required to be served by the defendant before he is eligible for parole, conditional release or other
43 early release by the department of corrections. Except that the board of probation and parole,
44 in the case of consecutive sentences imposed at the same time pursuant to a course of conduct
45 constituting a common scheme or plan, shall be authorized to convert consecutive sentences to
46 concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit
47 attorney, that the sum of the terms results in an unreasonably excessive total term, taking into
48 consideration all factors related to the crime or crimes committed and the sentences received by
49 others similarly situated.

50 6. (1) A sentencing advisory commission is hereby created to consist of eleven
51 members. One member shall be appointed by the speaker of the house. One member shall be
52 appointed by the president pro tem of the senate. One member shall be the director of the
53 department of corrections. Six members shall be appointed by and serve at the pleasure of the
54 governor from among the following: the public defender commission; private citizens; a private
55 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members
56 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.
57 All members of the sentencing commission appointed prior to August 28, 1994, shall continue
58 to serve on the sentencing advisory commission at the pleasure of the governor.

59 (2) The commission shall study sentencing practices in the circuit courts throughout the
60 state for the purpose of determining whether and to what extent disparities exist among the
61 various circuit courts with respect to the length of sentences imposed and the use of probation
62 for defendants convicted of the same or similar crimes and with similar criminal histories. The
63 commission shall also study and examine whether and to what extent sentencing disparity among
64 economic and social classes exists in relation to the sentence of death and if so, the reasons
65 therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties
66 relevant to the research and investigation of disparities in death penalty sentencing among
67 economic and social classes.

68 (3) The commission shall establish a system of recommended sentences, within the
69 statutory minimum and maximum sentences provided by law for each felony committed under
70 the laws of this state. This system of recommended sentences shall be distributed to all
71 sentencing courts within the state of Missouri. The recommended sentence for each crime shall
72 take into account, but not be limited to, the following factors:

73 (a) The nature and severity of each offense;

- 74 (b) The record of prior offenses by the offender;
- 75 (c) The data gathered by the commission showing the duration and nature of sentences
76 imposed for each crime; and
- 77 (d) The resources of the department of corrections and other authorities to carry out the
78 punishments that are imposed.
- 79 (4) The commission shall publish and distribute its system of recommended sentences
80 on or before July 1, 1995. The commission shall study the implementation and use of the system
81 of recommended sentences until July 1, 1998, and return a final report to the governor, the
82 speaker of the house of representatives, and the president pro tem of the senate. Following the
83 July 1, 1998, report, the commission may revise the recommended sentences every three years.
- 84 (5) The governor shall select a chairperson who shall call meetings of the commission
85 as required or permitted pursuant to the purpose of the sentencing commission.
- 86 (6) The members of the commission shall not receive compensation for their duties on
87 the commission, but shall be reimbursed for actual and necessary expenses incurred in the
88 performance of these duties and for which they are not reimbursed by reason of their other paid
89 positions.
- 90 (7) The circuit and associate circuit courts of this state, the office of the state courts
91 administrator, the department of public safety, and the department of corrections shall cooperate
92 with the commission by providing information or access to information needed by the
93 commission. The office of the state courts administrator will provide needed staffing resources.
- 94 **7. If the imposition or execution of a sentence is suspended, the court may consider**
95 **ordering restorative justice methods pursuant to section 217.777, RSMo, including any or**
96 **all of the following:**
- 97 (1) Restitution to any victim for costs incurred as a result of the offender's actions;
- 98 (2) Offender treatment programs;
- 99 (3) Mandatory community services;
- 100 (4) Work release programs in local facilities;
- 101 (5) Community-based residential or nonresidential programs;
- 102 (6) Any other method that the court finds just or appropriate.
- 103 **8. If the imposition or execution of a sentence is suspended for a misdemeanor, in**
104 **addition to the provisions of subsection 7 of this section, the court may order the**
105 **assessment and payment of a designated amount of money to a county crime reduction**
106 **fund established by the county commission pursuant to section 50.555, RSMo. Said**
107 **contribution shall not exceed one thousand dollars for any misdemeanor offense. Any**
108 **money deposited into the county crime reduction fund pursuant to this section shall only**
109 **be expended as authorized by section 50.555, RSMo. An annual audit of the fund shall be**

110 **conducted by the county auditor or the state auditor.**

111 **9.** The provisions of this section shall apply only to offenses occurring on or after

112 August 28, 1994.